

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

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GAUTIER ET AL

FR00027

APR 26 2005

Serial No. 09/808,192

Group Art Unit 2613

Filed: March 14, 2001

Examiner Allen C. Wong

Title: VARIABLE BIT RATE VIDEO ENCODING METHOD AND DEVICE

Commissioner for Patents
Alexandria, VA 22313-1450

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☐ deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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On: April 26, 2005By: Chessa De Luccy**REPLY BRIEF**

Sir:

In response to the Examiner's Answer mailed March 23, 2005,
please consider the following:

A R G U M E N T

Claims 1, 2, 5/2/1, 5/1/6 and 7 stands rejected under 35 USC 102(b) as being anticipated by Okada et al. (U.S. Patent No. 5,317,397).

In view of the Examiner's brief, the Appellant would also like to clarify that Okada et al. also does not anticipate "maintaining, increasing or decreasing the quantization step value according to the state of said reserve of bits", as recited in Claim 1. In addressing this feature in the above rejection, column 28, lines 6-14, of Okada et al. is being relied on.

First of all, in addressing the presently recited "reserve of bits" in the above rejection, the amount of bits allocated disclosed in column 23 of Okada et al. is being relied on.

Further, in column 28, lines 6-14, Okada et al. discloses that if this buffer occupied amount is larger (or smaller) than the BT (buffer threshold) and is larger (or smaller) than the buffer occupied amount of the previous slice, a quantization step size Q is incremented by one (or decremented by one).

Based on the above disclosure, it is evident Okada et al. does not disclose that quantization step size Q is incremented or decremented according to the amount of bits allocated disclosed in column 23. Instead, it is based on a BT (buffer threshold) and buffer occupied amount of the previous

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slice. Thus, Okada et al. cannot be reasonably interpreted as disclosing "maintaining, increasing or decreasing the quantization step value according to the state of said reserve of bits", as required by the claims. Therefore, it is respectfully submitted that this feature is also not anticipated by Okada et al.

In view of the above-described distinctions, it is respectfully submitted that the invention of Claims 1, 2, 5/2/1, 5/1/6 and 7 is not anticipated by Pearlman et al. Therefore, the Appellant respectfully requests that the final rejection of this claim be reconsidered and reversed.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) to Account No. 14-1270.

Respectfully submitted,

By 

Russell Gross, Reg. 40,007
Attorney
(914) 333-9631